

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JOSE FRANCISCO GARCIA,

Plaintiff,

v.

STATE OF WASHINGTON,
YAKIMA COUNTY JAIL
OFFICIALS and YAKIM COUNTY
JAIL,

Defendants.

NO: CV-12-3125-CI

ORDER ADOPTING REPORT AND
RECOMMENDATION, DISMISSING
COMPLAINT WITHOUT PREJUDICE
AND DIRECTING THAT
COLLECTION OF THE FILING FEE
CEASE

Magistrate Judge Imbrogno filed a Report and Recommendation, ECF No. 16, recommending that Mr. Garcia's Motion to Voluntarily Dismiss Complaint be granted. Defendants have not been served. There being no objections, the Court **ADOPTS** the Report and Recommendation. Plaintiff's Motion, ECF No. 14, is **GRANTED** and the Complaint is **DISMISSED WITHOUT PREJUDICE**.

On January 18, 2013, Plaintiff also submitted a Motion and Affidavit, ECF No. 15, to waive the remaining balance of the filing fee. For good cause shown,

ORDER ADOPTING REPORT AND RECOMMENDATION, DISMISSING
COMPLAINT WITHOUT PREJUDICE AND DIRECTING THAT
COLLECTION OF THE FILING FEE CEASE -- 1

1 **IT IS ORDERED** Plaintiff's Motion, ECF No. 15, is **GRANTED** and the
2 institution having custody of Mr. Garcia shall cease collection of the filing fee in
3 this action, cause number **CV-12-3125-CI**.

4 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
5 Order, enter judgment of dismissal without prejudice, forward a copy to Plaintiff
6 and close the file. The District Court Executive is further directed to send a copy
7 of this Order to the **Yakima County Jail, Attn: Jail Office Supervisor, 111 N.**
8 **Front St., Yakima, WA 98901**, to forward to the appropriate agency having
9 custody of Plaintiff. The District Court Executive also **shall** provide a copy of this
10 Order to the Financial Administrator for the United States District Court, Eastern
11 District of Washington.

12 **DATED** this 14th day of February 2013.

13
14 *s/ Rosanna Malouf Peterson*
15 ROSANNA MALOUF PETERSON
16 Chief United States District Court Judge
17
18
19
20